IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:07cv138

ALVIN RICHARD HUSS,)
Plaintiff,))
Vs.) JUDGMENT
MICHAEL J. ASTRUE, Commissioner of Social Security,)))
Defendant.)))

THIS MATTER having come before the court in accordance with 28, United States Code, Section 636(c), and for consideration of plaintiff's Motion for Summary Judgment (#10) and defendant's Motion for Summary Judgment (#12), and the court having found that the final decision of the Commissioner is supported by substantial evidence and that there is no basis for remand under Sentence Six, as reflected in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that plaintiff's Motion for Summary Judgment (#10) is **DENIED**, defendant's Motion for Summary Judgment (#12) is **GRANTED**, the final decision of the Commissioner is **AFFIRMED**, and this action is dismissed with prejudice.

Plaintiff is advised that he has the right to appeal this Judgment to the Court of Appeals for the Fourth Circuit by filing a Notice of Appeal with the Clerk of Court

for the Western District of North Carolina. Fed.R.App.P. 3(a)(1). Such notice must be filed within 60 days of the entry of this Judgment. Fed.R.App.P. 4(a)(1)(B).

Signed: October 27, 2008

Dennis L. Howell

United States Magistrate Judge